

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date set forth below as Express Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date of Signature

and Deposit: September 6, 2006

  
George E. Haas Reg. No. 27,642

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Hiroshi Kobata, *et al.*

U.S. Appln No.: 10/550,574

International Filing Date: March 26, 2004

For: Control Apparatus for Hydraulic Cylinder

---

### PETITION UNDER 37 C.F.R. 1.47(a) TO ACCEPT A PATENT APPLICATION MADE BY OTHER INVENTORS ON BEHALF OF NON-SIGNING INVENTOR

---

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Inventors Hiroshi Kobata and Christopher J. Kolbe petition under 37 C.F.R. 1.47(a) to have the above-identified patent application accepted on behalf of themselves and the non-signing inventor, Rollin C. Christianson.

37 C.F.R. §1.47(a) states:

“If a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself or herself and the nonsigning inventor.”

The facts clearly show that Mr. Christianson refuses to join in this application.

### Statement of Facts

The present patent application is a U.S. national phase application of International Application PCT JP2004/004278 and was filed with a declaration prescribed in 37 C.F.R.

§1.63 that was signed by co-inventors Kobata and Kolbe (copy enclosed). However, that declaration was not signed by co-inventor Rollin C. Christianson, who failed to respond to repeated requests, over a period of a year and a half, to have him sign the declaration and other documents. Thus, Mr. Christianson apparently refuses join in the patent application.

The subject invention was made while Mr. Christianson was employed, along with co-inventor Christopher J. Kolbe, by HUSCO International, Inc. (HUSCO). The invention was made with co-inventor Hiroshi Kobata, who is employed by Kayaba Industry Co., Ltd. in Japan. After making the invention, Mr. Christianson left HUSCO and went to work for a competitor company.

Enclosed is a copy of a statement of Donald Reinicker, an officer of HUSCO. That statement was submitted with the national phase application and attests that the final version of the subject patent application was mailed on March 9, 2005 to Mr. Christianson for signature. After not receiving a reply, Mr. Reinicker spoke by telephone on March 30, 2005 to Mr. Christianson, who acknowledged receiving the application and stated that he would study it. On June 6, 2005 and again on July 25, 2005, Mr. Reinicker sent reminder letters requesting that Mr. Christianson sign the patent application. Mr. Christianson neither returned the signed application, nor replied to the reminder letters sent to him.

The present U.S. national phase application was filed with a previous petition to accept it without the signature of Rollin C. Christianson. The petition was denied on July 11, 2006, because Mr. Christianson was not listed as an inventor on the related PCT International Application. Accompanying this petition is another petition under 37 C.F.R. §1.48(a) seeking to add Mr. Christianson as an inventor on the subject patent application.

Also submitted herewith is a Statement of the undersigned attorney attesting to actions taken, after denial of the prior petition, to obtain Mr. Christianson's signature on the application. Specifically on August 9, 2006, a copy of the subject patent application with a declaration was mailed to Mr. Christianson at his last known home address. To date a signed document has not been received nor have the papers been returned by the U.S. Postal Service as undeliverable. My attempt to telephone Mr. Christianson also failed.

The only conclusion that can be drawn from these numerous attempts, during the past year and a half, to obtain Mr. Christianson signature on the present application is that he "refuses to join in an application for patent or cannot be found or reached after diligent effort."

### **Petitioners' Request**

Therefore, the other inventors request pursuant to 37 C.F.R. 1.47(a) to have this application accepted on behalf of themselves and the non-signing inventor, Rollin C. Christianson.

The \$200.00 fee required under 37 C.F.R. §1.17(g) to consider this petition and any other fees deemed due in this matter should be charged to Deposit Account No. 17-0055.

Respectfully submitted,  
Hiroshi Kobata, *et al.*

Dated: September 6, 2006

By:   
George E. Haas  
Registration No. 27,642

Quarles & Brady LLP  
411 E. Wisconsin Avenue Suite 2040  
Milwaukee, WI 53202-4497

Telephone (414) 277-5751

QBMKE\5950124.1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Hiroshi Kobata, *et al.*

Serial No.:

Filed: Herewith

For: Control Apparatus for Hydraulic Cylinder

---

**STATEMENT OF DONALD REINICKER REGARDING  
ATTEMPTS TO REACH NON-SIGNING INVENTOR**

---

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Donald Reinicker, am an officer of HUSCO International, Inc., a co-owner of the above-identified patent application.

I am making this Statement in support of a petition pursuant to 37 C.F.R. § 1.47 to accept that patent application made by the other inventors on behalf of co-inventor Rollin C. Christianson, who has not signed the application despite repeated attempts to have him do so.

The following actions chronicle my efforts to have Mr. Christianson sign the declaration for the subject patent application:

1. At the time that the invention was conceived, Rollin C. Christianson was an employee of HUSCO International, Inc. Thereafter, he left that employment and began working for a competitor.
2. On March 9, 2005, I sent the final version of the subject patent application to Mr. Christianson by first class mail to his last known home address. A copy of the cover letter is being submitted as Exhibit A.
3. On March 30, 2005, I telephoned Mr. Christianson at his new employer. He stated that he had not read the patent application which I had sent to him, but that he would study it.
4. On June 6, 2005 having heard nothing further from Mr. Christianson, I sent him a reminder letter by first class mail. A copy of that letter is being submitted as Exhibit B.

5. I did not receive a response to my June 6, 2005 letter. Therefore, I sent a second reminder letter by first class mail to Mr. Christianson on July 25, 2005. A copy of that letter is being submitted as Exhibit C.

6. As of the date of this Statement, I have not received a reply from Mr. Christianson to my reminder letters, nor have I received the signed patent application which was sent to him.

Respectfully submitted,

Dated: September 19, 2005



Donald Reinicker  
Vice President

HUSCO International, Inc.  
P.O. Box 257  
W239 N218 Pewaukee Road  
Waukesha, WI 53187-0257

QBMKE\5784835.1

# **HUSCO**

**International**

P.O. BOX 257  
WAUKESHA, WI 53187-0257  
PHONE (262) 513-4200  
FAX (262) 513-4514

APPLICANT'S  
EXHIBIT  
**A**

March 9, 2005

Rollian Christianson  
W311 S108 Wildwood Trail  
Delafield, WI 53108

Subject: PCT National Phase Application  
**Control Apparatus for Hydraulic Cylinder**  
HUSCO Ref.: H-1148

Dear Rollin,

Enclosed is the final version of a patent on the above identified invention. We need you to review the application and provide your signature in the 2 places indicated.

Declaration - sign and date the application in the area indicated.

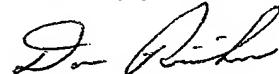
Assignment - sign and date the application in the area indicated and have it notarized.

If you would like to have Sharon do the notarization please contact her to set up a time to visit and get the document notarized.

If you see any need to make changes to the application please let me know. The Declaration had your address shown incorrectly. I believe it is now correct.

A return envelop has been provided so you can return the signed documents back to me. We would appreciate your quick response on this matter in order to get the document in the mail no later than March 21, 2005.

Very truly yours,



Don Reinicker  
Vice President

# **HUSCO**

**International**

P.O. BOX 257  
WAUKESHA, WI 53187-0257  
PHONE (262) 513-4200  
FAX (262) 513-4514

APPLICANT'S  
EXHIBIT

**B**

June 6, 2005

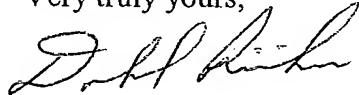
Rollin Christianson  
W311 S108 Wildwood Trail  
Delafield, WI 53108

Subject: PCT National Phase Application  
**Control Apparatus for Hydraulic Cylinder**  
HUSCO Ref.: H-1148

Dear Rollin,

This is a follow up to the letter and information sent to you on March 9, 2005. If you have any issues with signing the documents or getting them notarized please let me know as soon as possible. I am already past the imposed deadline for sending the documents back to Japan.

Very truly yours,



Don Reinicker  
Vice President



P.O. BOX 257  
WAUKESHA, WI 53187-0257  
PHONE (262) 513-4200  
FAX (262) 513-4514

19a.1cd 7/25/05

APPLICANT'S  
EXHIBIT

C

July 25, 2005

Rollin Christianson  
W311 S108 Wildwood Trail  
Delafield, WI 53108

Subject: PCT National Phase Application  
**Control Apparatus for Hydraulic Cylinder**  
HUSCO Ref.: H-1148

Dear Rollin,

This is a second follow up to the letter and information sent to you on March 9, 2005 and the reminder on June 6, 2005. If you have any issues with signing the documents or getting them notarized please let me know as soon as possible. Also if you are not going to sign the documents I would appreciate the courtesy of a reply to that regard. Gotoh & Partners, the Japanese patent attorneys for Kayaba, have advised that the last possible file date is September 26, 2005. Hopefully you will be able to review and execute the documents well before that deadline.

Very truly yours,

Don Reinicker  
Vice President

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Hiroshi Kobata, *et al.*

U.S. Appln No.: 10/550,574

Based On: PCT JP2004/004278

International Filing Date: March 26, 2004

For: Control Apparatus for Hydraulic Cylinder

---

**STATEMENT OF GEORGE E. HAAS REGARDING  
ATTEMPTS TO REACH NON-SIGNING INVENTOR**

---

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, George E. Haas, am a patent attorney registered with the U.S. Patent and Trademark Office and represent HUSCO International, Inc., a co-owner of the above identified patent application.

I am making this Statement in support of a petition pursuant to 37 C.F.R. §1.47 to accept that patent application made by the other inventors on behalf of co-inventor Rollin C. Christianson, who has not signed the application despite repeated attempts to have him do so.

The following actions chronicle my efforts to have Mr. Christianson sign the declaration and other papers for the subject patent application:

1. On August 9, 2006, I attempted to call Mr. Christianson at his last known home telephone number that was supplied to me by HUSCO International, Inc., however I received a recorded announcement that the telephone number was not in service.
2. On August 9, 2006, I sent Mr. Christianson a copy of the subject patent application with a declaration and a statement that he was erroneously omitted as an

inventor without deceptive intent. Those papers were sent by first class mail to his last known home address: W311 S108 Wildwood Trail, Delafield, WI 53108. I requested that the sign and return the documents to me. A copy of my letter is attached as Exhibit HA.

3. As of September 5, 2006, I have not received signed patent application from Mr. Christianson, nor have mailed documents been returned by the U.S. Postal Service as undeliverable.

4. As of September 5, 2006, I have not received any reply from Mr. Christianson.

Respectfully submitted,

Dated: Sept 5, 2006



George E. Haas  
Registration No. 27,642  
Quarles & Brady LLP  
411 E. Wisconsin Avenue Suite 2040  
Milwaukee, WI 53202-4497



APPLICANT'S  
EXHIBIT  
HA

411 East Wisconsin Avenue  
Milwaukee, Wisconsin 53202-4497  
Tel 414.277.5000  
Fax 414.271.3552  
www.quarles.com

Attorneys at Law in:  
Phoenix and Tucson, Arizona  
Naples, Florida  
Chicago, Illinois  
Milwaukee and Madison, Wisconsin

Writer's Direct Dial: 414.277.5751  
E-Mail: geh@quarles.com

August 9, 2006

Mr. Rollin C. Christianson  
W311 S108 Wildwood Trail  
Delafield, WI 53108

Re: HUSCO Patent Application  
Control Apparatus for Hydraulic Cylinder

Dear Rollin:

While you were employed by HUSCO International, Inc., you, Chris Kolbe and Hiroshi Kobata of Kayaba made an invention related to a system for controlling a hydraulic cylinder. HUSCO and Kayaba have filed a patent application in the United States on that invention.

Although prior to filing, the application was sent to you along with documents to sign. We never received the signed papers from you. Therefore, we now would like to add you as an inventor to this application so that you will receive proper recognition for the work. For that purpose, I am enclosing a document stating that you were erroneously omitted as an inventor. Also enclosed is a copy of the application with the standard declaration form for you to sign. In addition, please sign the assignment transferring your rights in the invention to HUSCO and Kayaba, as required by your employment agreement with HUSCO.

I should appreciate receiving the signed documents at your earliest convenience. If you have any questions please contact me

Very truly yours,  
QUARLES & BRADY LLP

George E. Haas

GEH/kdc  
Enclosures

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Hiroshi Kobata, *et al.*

Serial No.: 10/550,574

International Filing Date: March 26, 2004

Title: Control Apparatus for Hydraulic Cylinder

---

**STATEMENT OF PERSON SOUGHT  
TO BE ADDED AS AN INVENTOR**

---

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Rollin C. Christianson, state that I was erroneously omitted from being named as an inventor on the above-identified patent application and that such error occurred without any deceptive intention on my or anyone else's part.

Respectfully submitted,

---

Rollin C. Christianson